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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,594	07/17/2003	Daniel J. Frederickson	30505.11.84	9064
22859	7590	03/22/2005	EXAMINER	
INTELLECTUAL PROPERTY GROUP FREDRIKSON & BYRON, P.A. 200 SOUTH SIXTH STREET SUITE 4000 MINNEAPOLIS, MN 55402			GEHMAN, BRYON P	
			ART UNIT	PAPER NUMBER
			3728	
DATE MAILED: 03/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary	Application No. 10/621,594	Applicant(s) FREDERICKSON ET AL.	
	Examiner Bryon P. Gehman	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-6, 8-11 and 13-14 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala et al. (Figure 13)(5,918,909) in view of Klure (6,224,108). Fiala et al. disclose a package assembly comprising a display sheet (4.32 and 4.44 together), a covering (4.56), and a plurality of cards (C') retained within a closed space of the covering and display sheet, with plural cards from different accounts being activated at the same time (see column 2, lines 54-67). Klure discloses a package assembly comprising a display sheet (10) and a data field (26) affixed to the display sheet, a plurality of cards (12a, 112a) retained by the display sheet, wherein each card is uniquely associated with an account in a database, and wherein the data field may be used to activate an account associated with the cards. To modify the package assembly of Fiala et al. employing the single data field disposed on a display sheet as taught by Klure would have been obvious in order to require only one reading to activate plural accounts and to simplify provision of the package assembly.

As to claim 3, Fiala discloses a folded multilayer display sheet.

As to claim 4, the display sheet of Fiala is formed from a plurality of sheets. To the degree the unitary sheets of Fiala are not held to meet the claim, to provide the display sheet from discrete sheets as opposed to a single sheet would have been

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obvious, as to provide a unitary structure from individual part has been held to have been an obvious variation.

As to claim 5, the data field of Klure is a magnetic strip. Magnetic strips as data fields are held to have been well known in the field.

2. Claims 12 and 15 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 11 and 14 above, and further in view of Kubert et al. (6,729,656). Kubert et al. discloses a card with its PIN covered. To further modify the combination employing a PIN covering as taught by Kubert et al. would have been obvious in order to prevent viewing of the PIN, as taught by Kubert et al.. To employ an ultraviolet-curable coating on the display sheet to cover the PIN, as taught by Kubert et al., would have been obvious in order to cover and protect the PIN.

3. Claims 16 and 18-20 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala, Klure ('108) and Kubert et al. (6,729,656). Fiala et al. disclose a package assembly comprising a display sheet (4.32 and 4.44 together), a covering (4.56), and a plurality of cards (C') retained within a closed space of the covering and display sheet, with plural cards from different accounts being activated at the same time (see column 2, lines 54-67). Klure discloses a package assembly comprising a display sheet (10) and a data field (26) affixed to the display sheet, a plurality of cards (12a, 112a) retained by the display sheet, wherein each card is uniquely associated with an account in a database, and wherein the data field may be used to activate an account

associated with the cards. To modify the package assembly of Fiala et al. employing the single data field disposed on a display sheet as taught by Klure would have been obvious in order to require only one reading to activate plural accounts and to simplify provision of the package assembly. Kubert et al. discloses a card with its PIN covered. To further modify the combination employing a PIN covering as taught by Kubert et al. would have been obvious in order to prevent viewing of the PIN, as taught by Kubert et al.. To employ an ultraviolet-curable coating on the display sheet to cover the PIN, as taught by Kubert et al., would have been obvious in order to cover and protect the PIN.

4. Claims 2, 7 and 17 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 16 above, and further in view of Poshkus (4,245,035). Poshkus discloses a plastic sheet including a covering secured by radio frequency welding. To provide the display sheet of the prior art combination from plastic and employing radio frequency welding would have been an obvious substitution of field-recognized material and welding manner, as evidenced by Poshkus, the employment thereof failing to provide any new and unexpected result.

5. Claim 21 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala in view of Klure ('108). To employ the package structure of the combination as described above in the manner described would have been obvious.

6. Applicant's arguments filed January 31, 2005 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant argues that Klure only discloses activating a single account. However, the multiple account activation teaching is found in Fiala et al.. Applicant argues that Fiala et al. only disclose activation from an exposed data card. However, Klure discloses employing a discrete data field on a package assembly.

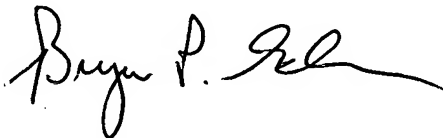
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG